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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,571	01/30/2004	Thomas R. Apel	112693-178139	8895
86128 7590 06/23/2011 Schwabe Williamson & Wyatt Pacwest Center, Suite 1900 1211 SW Fifth Avenue Portland, OR 97204				
EXAMINER WARREN, MATTHEW E				
ART UNIT 2815		PAPER NUMBER		
NOTIFICATION DATE 06/23/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/769,571

Applicant(s)

APEL ET AL.

Examiner

MATTHEW E. WARREN

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Remarks the RCE and Amendment filed on April 4, 2011.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tserng (US 5,519,358) in view of Chau et al. (US 5,512,496) .

In re claim 1, Tserng shows (figs. 11 or 14) an integrated circuit comprising: a bipolar junction transistor in which a base contact region (122) ~~forms a fishbone configuration having~~ includes a spine (122) with at least one base finger (124) that extends from one side of the spine and at least one base finger that extends from a second side of the spine, wherein an inner periphery of an emitter region (128) is adjacent to a periphery of said ~~fishbone configuration~~ spine and base fingers, and an outer periphery (128) of the emitter region occupies a perimeter of a base region (the base region is not shown but the base fingers are present in the space provide and therefore must be connected to the base region/active region 127 below). Tserng shows all of the elements of the claims except the base region comprising a base mesa region. Tserng discloses the HBT in a top view such that the electrode layout can be shown but

does not disclose the specifics of the HBT and it cannot be determined how the base structure is formed. It is well known in the art that HBTs may employ base structures in a mesa formation. Chau et al shows (figs. 1-4) several conventional HBTs in which the base (100, 200, etc.) is formed as a mesa. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the HBT of Tserng by forming the base in a mesa configuration because Chau et al teaches that HBT typically comprise mesa structures.

In re claim 2, Tserng shows (figs. 11 or 14) that an emitter contact region has an isomorphic shape with respect to the emitter region and is in direct physical contact with the top surface of the emitter region. The contact has the same rectangular shape as the emitter region portion below it and is therefore isomorphic.

In re claims 3 and 4, Tserng discloses (col. 6, lines 30-50) that the contact regions comprise conductive material such as metal.

In re claims 5, 6, and 12, Chang discloses (col. 8, lines 1-8) that the transistor comprises Si and GaAs and may be a heterojunction bipolar transistor.

In re claim 7, Tserng does not specifically show that the base region contacting tab is embedded within an extension from a spine of the fishbone configuration, but it is well known in the art that contacts made to the base region will extend from a conductive finger.

In re claims 8-11, pertaining to the types of devices that the bipolar transistor is employed in, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed

apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F. 2d 1647 (1987). Furthermore, amplifiers and cell phones are merely known devices which may employ a bipolar transistor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bipolar transistor of Tserng by using it in a power amplifier and/or cell phone to enable those devices to operate to increase the operating frequency.

In re claims 13 and 14, Tserng does not specifically disclose the specific length or width of the extensions or the distance between the base and emitter regions. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the length or width of the fishbone extensions or the distance between the base and emitter regions of the desired parameters, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

In re claims 15 and 16, Tserng shows (fig. 11) that the fishbone configuration includes at least six extensions connected to the spine.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are not persuasive. The applicant primarily argues that the cited prior art references do not show a base contact region includes a spine with at least one base finger that extends from one side of the spine and at least one base finger that extends from the second side of the spine. In essence the applicant argues that Tserng does not disclose a base

contact region including a spine because Tserng discloses (col. 7, lines 62-63) that the base fingers extend from an input transmission line instead. The examiner believes that the cited references show all of the elements of the claims. As stated in the rejection above, Tserng shows (figs. 11 or 14) that the base contact is layer (122) and base fingers (124) extend from the base contact. Tserng calls the structure (122) an input transmission line, but since base fingers (124) extend from that transmission line (122), then said input transmission line (122) can be considered a base contact region. The structure, materials, and usage of the input transmission line of Tserng is the same as the structure, materials and usage of the base contact region of the applicant's claimed invention. Therefore, Tserng discloses the base contact region including a spine as recited in the applicant's claimed invention. Tseng only lacks teachings of a base mesa region. It is presumed that if a mesa were to be formed on the substrate it would be under any parts of the base contacts (120 or 122). However, since Tseng does not provide any teachings of a base mesa, Chau was cited to cure the deficiencies of Tseng in this respect only (limitations pertaining to a base mesa). Therefore, the cited references show all of the elements of the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW E. WARREN whose telephone number is (571)272-1737. The examiner can normally be reached on Mon-Thur and alternating Fri 9:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew E Warren/
Primary Examiner, Art Unit 2815